

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Yasunori CHIBA et al.
Title: NOVEL YEAST MUTANTS AND PROCESS FOR
PRODUCING GLYCOPROTEIN CONTAINING
MAMMALIAN TYPE SUGAR CHAIN
Appl. No.: 10/049,887
Intl. Appln. No. PCT/JP00/05474
Intl. Filing Date: 08/16/2001
Priority Date: 08/19/1999

PETITION UNDER 37 CFR 1.182 AND FEE

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Communication dated December 18, 2002, to which a response is due by the non-extendible date of January 18, 2003, Applicants respond as follows:

1. The declaration submitted by Applicants on September 20, 2002 in response to the Notice of Missing Requirements reflected a different name for the fourth inventor from the name listed for the fourth inventor on the international application.

2. On December 18, 2002, the PCT Legal Office issued a communication requiring Applicants to, *inter alia*, submit a petition under 37 CFR 1.182, along with an affidavit by the fourth inventor, over both names, setting forth the procedure whereby the change of name was effected.

REMARKS

Applicants respectfully submit that difference in the names of the fourth inventor is the result of a translation error.

Typically, Kanji characters have a few different phonetic pronunciations. In this particular instance, the Kanji character for "Nagako" is the same as the Kanji character for "Eiko".

In the international application, PCT/JP00/05474, the correct Kanji character was submitted for Nagako. The Kanji was, however, mistranslated in the alphabet by the translator and printed as "Eiko" in the published application.

Attached is an affidavit of Nagako KAWASHIMA, the fourth inventor, asseverating that the correct spelling of his name is "Nagako KAWASHIMA" and that the incorrect listing of his name was due to a translator's error and the requisite petition fee of \$130.00.

In view of the above remarks, Applicants request that this petition be granted and that the declaration and power of attorney filed September 20, 2002 is a proper reply to the Notice to File Missing Requirements dated May 21, 2002, as it complies with 37 CFR 1.497(a)-(b).

Respectfully submitted,

Date: 9 January 2002

By Stephen A. Bent

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Affidavit

I, Nagako KAWASHIMA, of c/o Kiban Gijutsu Kenkyusho, Kirin Beer Kabushiki Kaisha, 1-13-5, Fukuura, Kanazawa-ku, Yokohama-shi, Kanagawa 236-0004 Japan hereby declare under 37 CFR §1.132 as follows:

In general, Kanji characters have a few different phonetic pronunciations. In this regard, the Kanji character for Nagako is the same as the Kanji character for Eiko.

PCT Application PCT/JP00/05474 was submitted with the correct Kanji character for Nagako. The Kanji character was mistranslated in alphabet by the translator's error and printed as "Eiko" in WO01/14522 application papers.

I declare that correct phonetic pronunciation and spelling in alphabet of my name is "Nagako KAWASHIMA", and that this statement made herein is true with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Nagako KAWASHIMA
Eiko KAWASHIMA (incorrect name)
NAME OF FOURTH INVENTOR

Nagako Kawashima
Signature of Inventor

Date January 8, 2003

Residence: Kanagawa, Japan
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